



U.S. Department of Justice

United States Attorney  
 Southern District of New York

The Silvio J. Mollo Building  
 One Saint Andrew's Plaza  
 New York, New York 10007

April 13, 2021

**VIA ECF**

The Honorable Laura Taylor Swain  
 United States District Judge  
 Southern District of New York  
 500 Pearl Street  
 New York, New York 10007

**MEMO ENDORSED**

**Re: *United States v. Jesse Rodriguez, 18 Cr. 488***

Dear Judge Swain:

The Government respectfully requests a second extension of time by which the court-appointed evaluator, Dr. William P. Milberg, must complete a report of Jesse Rodriguez, the defendant in the above-captioned case, to assist the Court in reaching a determination regarding the defendant's competency. On March 5, 2021, this Court granted the Government's first request for an extension of the time by which the expert report was due, on the basis that the Government was experiencing delays in obtaining an appointment for an updated MRI scan of the defendant to assist Dr. Milberg's evaluation. (ECF No. 100). Since that time, the Government has continued to follow up with the facility in which the defendant was housed to request an MRI. According to a representative of the facility, the defendant's MRI appointment was likely deprioritized because it was not ordered by a physician for a medical reason, but was instead ordered for the purpose of determining the defendant's competency. The defendant's MRI was completed on March 29, 2021, and the Government has received and distributed to defense counsel and Dr. Milberg the MRI report, which consists of a single page written report summarizing the findings from the MRI. However, the Government has not yet received the images associated with this MRI, which would further assist Dr. Milberg in composing his report.

Consequently, the Government respectfully requests that the Court extend the deadline by which Dr. Milberg must submit his report to Friday, April 30, 2021. The Government has conferred with defense counsel, who does not object to the request for an extension.

The application is granted. The submission deadline is extended to April 30, 2021.

This resolves DE # 101.

SO ORDERED.

4/14/2021

/s/ Laura Taylor Swain, USDJ

Respectfully submitted,

AUDREY STRAUSS  
 United States Attorney

by: 

Sarah Mortazavi

Assistant United States Attorney

Cc: Clay Kaminsky, Esq, (via ECF)